

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

KENNETH K. KIRBY,

Plaintiff,

vs.

LARRY D. TAYLOR, CATHY  
DANIEL, C. SEINER and C/O  
DURELL,

Defendants.

NO. CV-08-5094-JPH

ORDER DISMISSING COMPLAINT WITHOUT  
PREJUDICE AND DIRECTING THAT  
COLLECTION OF THE FILING FEE CEASE

BEFORE THE COURT is Plaintiff Kenneth K. Kirby's Motion to Voluntarily Dismiss Complaint pursuant to Fed. R. Civ. P. 41(a). Defendants have not been served in this action. Accordingly, **IT IS ORDERED** Plaintiff's Motion (Ct. Rec. 20) is **GRANTED** and the Complaint is **DISMISSED WITHOUT PREJUDICE**.

Plaintiff also filed a Declaration and Motion to waive collection of the remaining balance of the filing fee in this action. For good cause shown, **IT IS ORDERED** Plaintiff's Motion (Ct. Rec. 21) is **GRANTED** and the institution having custody of Mr. Kirby shall cease collection of the filing fee in this action, cause number **CV-08-5094-JPH**.

**IT IS SO ORDERED.** The District Court Executive is directed to enter this Order, enter judgment of dismissal without prejudice,

ORDER DISMISSING COMPLAINT WITHOUT PREJUDICE AND  
DIRECTING THAT COLLECTION OF THE FILING FEE CEASE -- 1

1 forward a copy to Plaintiff and close the file. The District Court  
2 Executive is further directed to send a copy of this Order to the  
3 **Benton County Jail, Attn: Jail Office Supervisor, 7122 W. Okanogan**  
4 **Pl., Bldg. B, Kennewick, WA 99336**, to forward to the appropriate  
5 agency having custody of Plaintiff. The District Court Executive also  
6 **shall** provide a copy of this Order to the Financial Administrator for  
7 the United States District Court, Eastern District of Washington.

8 **DATED** this 13<sup>th</sup> day of April, 2009.

9 s/ James P. Hutton

10 JAMES P. HUTTON  
11 UNITED STATES MAGISTRATE JUDGE  
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